

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Canjilon Creek, Section 3
Subfile No.: CHCJ-003-0070

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

DONALD MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: OTRA VANDA DITCH

Location: X= 1,589,954 feet Y= 2,002,692 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 07, Township 26N, Range 05E, N.M.P.M.

Pt. NE $\frac{1}{4}$	4.5 acres
Pt. SE $\frac{1}{4}$	48.1 acres
Total	52.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-003-0070

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: BORDO DITCH

Location: X= 1,595,945 feet Y= 2,003,807 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 07, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼	5.3 acres
Total	5.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-003-0070

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

C. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: NONE

Source of Water Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: RIVERA DITCH NO.2

Location: X= 1,587,140 feet Y= 2,001,278 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 07, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼	6.7 acres
Total	6.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-003-0070

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

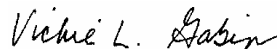
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

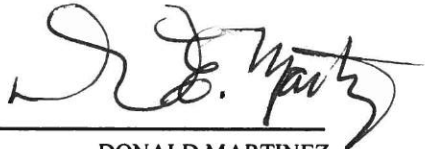


UNITED STATES DISTRICT JUDGE

Recommended for approval:

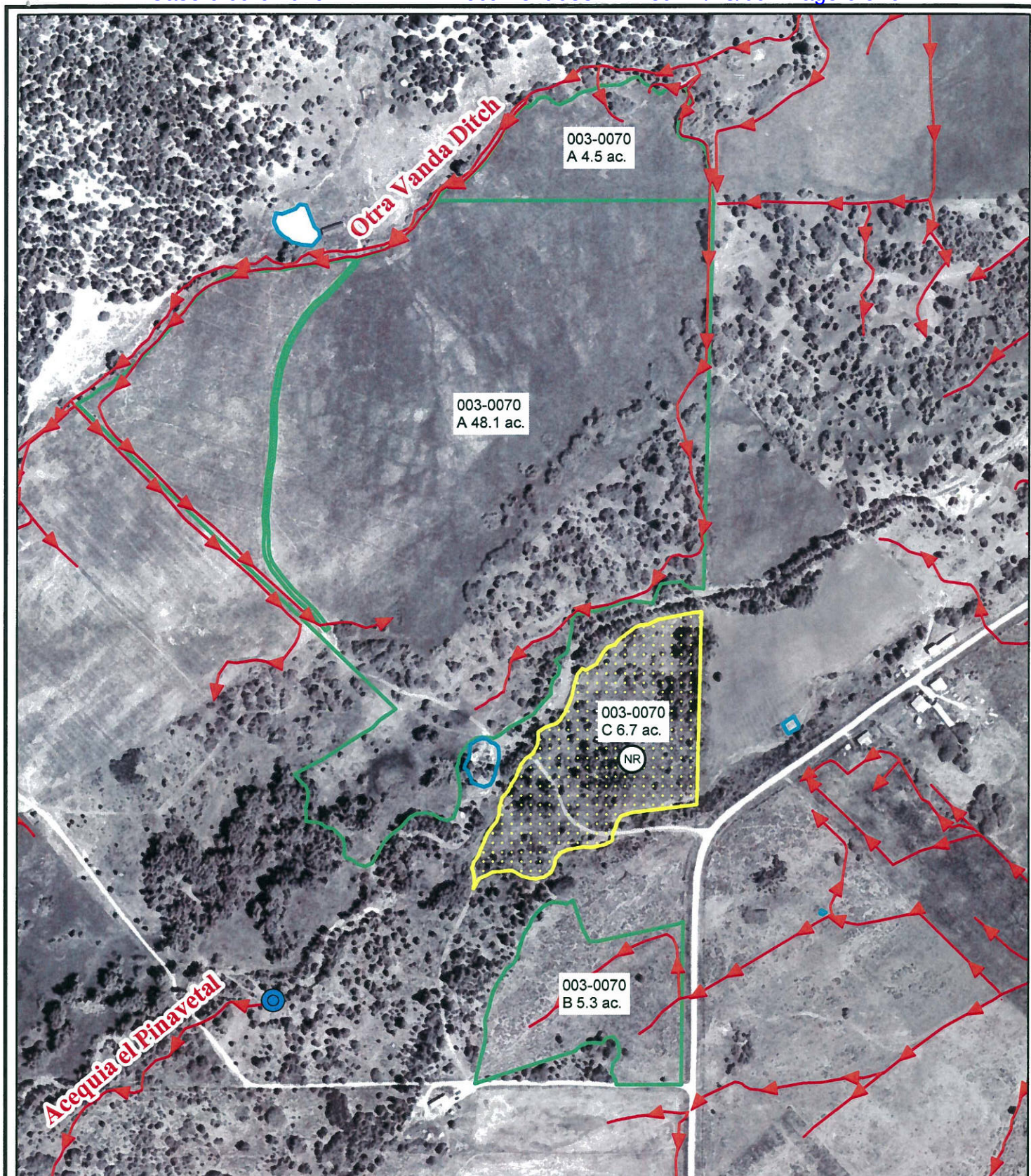


SPECIAL MASTER

ACCEPTED: 
DONALD MARTINEZ
ADDRESS: P.O. Box 52
El Rito, New Mexico 87530
DATE: 11-17-09


EDWARD G. NEWVILLE
Special Assistant Attorney General

11.17.09
Date



LEGEND

- | | |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary | Fallow |
| Seeped Area | No Right |
| Operable Ditch | |
| Inoperable Ditch | |
| Stock Ponds / Reservoir | |



1 inch = 400 feet

0 100 200 400 Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
CANJILON CREEK SECTION

Subfile Number
CHCJ-003-0070
Bordo Ditch,
Rivera Ditch No. 2,
& Otra Vanda Ditch
AMENDED
August 25, 2009

